

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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10 Attorneys for Defendant
11 UMPQUA BANK

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION

15 AMBER HAWTHORNE, CHRISTOPHER
16 KNEER, and VICTORIA KNEER on Behalf of
Themselves and All Others similarly situated,

17 Plaintiff,

18 vs.

19 UMPQUA BANK,

20 Defendant.
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Case No.: 3:11-cv-06700-JST

**NOTICE OF COMPLIANCE WITH 28
U.S.C. § 1715**

DATE: February 19, 2015
TIME: 2:00 p.m.
PLACE: Courtroom 9

NOTICE OF COMPLIANCE

Pursuant to paragraph 47 of the settlement agreement and release, Defendant Umpqua Bank (“Defendant”), by and through its undersigned counsel, states that it served the notice required by 28 U.S.C. § 1715 on September 24, 2014. Copies of the notice (less its exhibits) and its proof of service are attached hereto as Exhibit A.

DATED: January 27, 2015

REED SMITH LLP

By /s/ Scott H. Jacobs
Scott H. Jacobs
Kasey J. Curtis
Attorneys for Defendant
UMPQUA BANK

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Exhibit A

REED SMITH LLP
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Case No.: 3:11-cv-06700-JST

**NOTICE OF CLASS ACTION
SETTLEMENT**

NOTICE OF CLASS ACTION SETTLEMENT

Defendant Umpqua Bank (“Defendant”), by and through its undersigned counsel, hereby gives notice pursuant to 28 U.S.C. § 1715 of a proposed settlement in *Hawthorne v. Umpqua Bank*, United States District Court for the Northern District of California, Case No. 3:11-cv-06700 (the “Action”).

1. A copy of the initial complaint filed in the Action is attached hereto as Exhibit 1.

2. A copy of the first amended complaint filed in the Action is attached hereto as Exhibit 2.

3. A copy of the second amended consolidated complaint filed in the Action is attached hereto as Exhibit 3.

4. A copy of the third amended consolidated complaint filed in the Action is attached hereto as Exhibit 4.

5. On June 6, 2014, Plaintiffs filed an Unopposed Motion for Preliminary Approval of Class Settlement and Certification of Settlement Class. True and correct copies of the proposed Class Action Settlement Agreement and proposed Class Notices were filed with the Court as exhibits to Plaintiffs’ motion. A copy of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Settlement and Certification of Settlement Class and its exhibits (including the attached proposed Class Action Settlement Agreement and Class Notice) are attached hereto as Exhibit 5.

6. On September 15, 2014 the Court granted Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Settlement and Certification of Settlement Class, but modifying the form of the proposed Class Notice. A copy of the Court’s preliminary approval order is attached hereto as Exhibit 6. The Class Notices, as modified by the Court, are attached as Exhibit 7.

7. The final approval hearing is currently scheduled for February 19, 2015, at 2:00 p.m. in the above-captioned court.

8. There is no settlement or other agreement contemporaneously made between class counsel and counsel for Defendant.

9. At this time, there has been no final judgment or notice of dismissal of the Action.

10. The settlement class consists of customers of Umpqua Bank. It is not feasible for

1 Defendant to provide a complete list of all class members at this time. Defendant believes that class
2 members are located in Oregon, Washington and California. A reasonable estimate of the number of
3 class members residing in each state and the estimate proportionate share of the claims of such
4 members to the entire settlement is attached hereto as Exhibit 8.

5
6 DATED: September 24, 2014

REED SMITH LLP

7
8 By /s/ Scott H. Jacobs

Scott H. Jacobs

Kasey J. Curtis

Attorneys for Defendant

UMPQUA BANK

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 355 South Grand Avenue, Suite 2900, Los Angeles, CA 90071. On September 24, 2014, I served the following document(s) by the method indicated below:

NOTICE OF CLASS ACTION SETTLEMENT

<input type="checkbox"/>	by CM/ECF electronic delivery in accordance with the registered case participants and in accordance with the procedures set forth at the Court's website www.ecf.cand.uscourts.gov
<input type="checkbox"/>	by transmitting via facsimile on this date from fax number +1 213 457 8080 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 PM and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing.
<input checked="" type="checkbox"/>	by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

Federal Deposit Insurance Corporation Attn: Regional Director/CAFA Notice Coordinator 25 Jessie St at Ecker Square Suite 2300 San Francisco, CA 94105	Oregon Division of Finance and Corporate Securities Attn: CAFA Notice Coordinator 350 Winter St NE, Rm. 410 PO Box 14480 Salem, OR 97301
CAFA Coordinator Office of the Attorney General Consumer Law Section 455 Golden Gate Ave., Suite 11000 San Francisco, CA 94102	Office of the Attorney General Attn: CAFA Notice Coordinator 1125 Washington St SE PO Box 40100 Olympia, WA 98504

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on September 24, 2014, at Los Angeles, California.



CANDICE A. SPOON

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 355 South Grand Avenue, Suite 2900, Los Angeles, CA 90071. On January 27, 2015, I served the following document(s) by the method indicated below:

NOTICE OF COMPLIANCE WITH 28 U.S.C. § 1715

- ☒ by CM/ECF electronic delivery in accordance with the registered case participants and in accordance with the procedures set forth at the Court's website www.ecf.cand.uscourts.gov
- ☐ by transmitting via facsimile on this date from fax number +1 213 457 8080 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 PM and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.
- ☐ by transmitting via email to the parties at the email addresses listed below:

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Byron T. Ball, Esq. The Ball Law Firm, L.L.P. 10886 Wilshire Blvd., Suite 1400 Los Angeles, CA 90024 Email: btb@balllawllp.com	Attorneys for Plaintiff <i>Amber Hawthorne, on behalf of herself and all others similarly situated</i> Tel.: 310-446-6148 Fax: 310-441-5386

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on January 27, 2015, at Los Angeles, California.

/s/ Candice A. Spoon

CANDICE A. SPOON